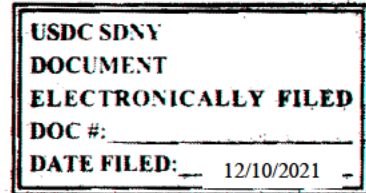


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
SEAN CARMODY,

Plaintiff,

21-CV-07235 (AJN)(SN)

-against-

ORDER

VERIZON NEW YORK, INC.,

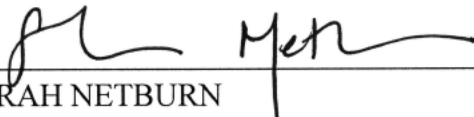
Defendant.
-----X

SARAH NETBURN, United States Magistrate Judge:

On December 8, 2021, the Honorable Alison Nathan referred this case to my docket for general pretrial management and a Report and Recommendation on Defendant's Motion to Dismiss. ECF No. 12. On or before January 6, 2022, Plaintiff must (1) file an amended pleading or (2) oppose the motion to dismiss. Plaintiff is on notice that declining to amend its pleadings to timely respond to a fully briefed argument in the Defendants' Motion to Dismiss may well constitute a waiver of the Plaintiff's right to use the amendment process to cure any defects that have been made apparent by the Defendants' briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility").

If Plaintiff chooses to amend, Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: New York, New York
December 10, 2021